

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

WESTERN DIVISION

ESTATE OF JOSE R. FELICIANO, )  
By and through the Administrators of )  
His estate, Jose L. Feliciano and Migdalia )  
Rosado, )  
Plaintiffs )

v. )

03-30308

KEVIN MILES, et al., )  
Defendants )


**PLAINTIFFS' MOTION FOR JUDGMENT AS A MATTER OF LAW**

NOW COME the Plaintiffs in the above-captioned action, pursuant to FRCP 50(a), and move this Court to strike the Defendants' claim of comparative negligence.

The Plaintiffs state that no evidence has been presented that the decedent, Jose R. Feliciano, was comparatively at fault for causing the accident of February 11, 2003. Therefore, the Defendants have not met their burden of proof regarding their claim of comparative fault, and the issue should not be presented to the jury.

WHEREFORE, the Plaintiffs request that the Court strike the Defendants' affirmative defense of comparative negligence.

Respectfully submitted,  
The Plaintiffs,  
Jose L. Feliciano and Migdalia Rosado,  
As Administrators of the Estate of Jose R. Feliciano

  
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